
PRELIMINARY DRAFT
No. 3458

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2004 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 4-4-32; IC 14-21-1-25.5.

Synopsis: Native American affairs commission. Establishes the Native American affairs commission. Authorizes the commission to recommend final disposition of Native American human remains that have been removed from a burial site.

Effective: June 1, 2004; July 1, 2004.



A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 4-4-32 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]:

Chapter 32. Native American Affairs Commission

Sec. 1. As used in this chapter, "commission" refers to the Native American affairs commission established by section 4 of this chapter.

Sec. 2. As used in this chapter, "department" refers to the department of workforce development.

Sec. 3. As used in this chapter, "Native American" means an individual who is at least one (1) of the following:

- (1) An Alaska native as defined in 43 U.S.C. 1602(b).
- (2) An Indian as defined in 25 U.S.C. 450b(d).
- (3) A native Hawaiian as defined in 20 U.S.C. 7912(1).
- (4) A person who has demonstrated membership of a tribe located in Indiana that:
 - (A) has established documented historical recognition;
 - (B) is recognized for purposes of this chapter by the governor; and
 - (C) is located in Indiana.

Sec. 4. The Native American affairs commission is established.

Sec. 5. (a) The commission consists of seventeen (17) voting members and two (2) nonvoting members. The voting members of the commission consist of the following:

- (1) Seven (7) Native Americans.
- (2) Two (2) Native Americans who have knowledge in Native American traditions and spiritual issues.
- (3) The commissioner of the department of correction or the commissioner's designee.
- (4) The commissioner of the commission for higher education or the commissioner's designee.



(5) The commissioner of the state department of health or the commissioner's designee.

(6) The secretary of the office of family and social services or the secretary's designee.

(7) The director of the department of natural resources or the director's designee.

(8) The state superintendent of public instruction or the superintendent's designee.

(9) The commissioner of the department of workforce development or the commissioner's designee.

(10) The director of the Indiana historical bureau.

(b) The nonvoting members of the commission consist of the following:

(1) One (1) member of the house of representatives appointed by the speaker of the house of representatives.

(2) One (1) member of the senate appointed by the president pro tempore of the senate.

(c) The governor shall appoint each Native American member of the commission to a term of four (4) years, and any vacancy occurring shall be filled by the governor for the unexpired term. Before appointing a Native American member to the commission, the governor shall solicit nominees from Indiana associations that represent Native Americans. Not more than one (1) member may represent the same tribe or Native American Indian organization or association.

(d) A member of the commission may be removed by the member's appointing authority.

Sec. 6. The affirmative votes of at least nine (9) members of the commission are required for the commission to take any official action, including public policy recommendations and reports.

Sec. 7. (a) The department and the department of natural resources shall provide staff and administrative support for the commission.

(b) Expenses incurred under this chapter shall be paid from funds appropriated to the department.

(c) The governor shall appoint a voting member of the commission to serve as the commission's chairperson.

Sec. 8. (a) Each member of the commission who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for travel expenses as provided in IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the commission who is a state employee but



1 who is not a member of the general assembly is entitled to
 2 reimbursement for travel expenses as provided under IC 4-13-1-4
 3 and other expenses actually incurred in connection with the
 4 member's duties as provided in the state policies and procedures
 5 established by the Indiana department of administration and
 6 approved by the budget agency.

7 (c) Each member of the commission who is a member of the
 8 general assembly is entitled to receive the same per diem, mileage,
 9 and travel allowances paid to legislative members of interim study
 10 committees established by the legislative council.

11 Sec. 9. The commission shall study problems common to Native
 12 American residents of Indiana in the areas of employment,
 13 education, civil rights, health, and housing. The commission may
 14 make recommendations to appropriate federal, state, and local
 15 governmental agencies concerning the following:

16 (1) Health issues affecting Native American communities,
 17 including data collection, equal access to public assistance
 18 programs, and the informing of health officials about cultural
 19 traditions relevant to health care.

20 (2) Cooperation and understanding between the Native
 21 American communities and other communities throughout
 22 Indiana.

23 (3) Cultural barriers to the educational system, including
 24 barriers to higher education and barriers to opportunities for
 25 financial aid and minority scholarships.

26 (4) Inaccurate information and stereotypes concerning Native
 27 Americans, including the accuracy of educational curriculum.

28 (5) Measures to stimulate job skill training and related
 29 workforce development, including initiatives to assist
 30 employers in overcoming communication and cultural
 31 differences.

32 (6) Programs to encourage the growth and support of Native
 33 American owned businesses.

34 (7) Public awareness of issues affecting the Native American
 35 communities.

36 (8) Issues concerning preservation and excavation of Native
 37 American historical and archeology sites, including reburial
 38 of Native Americans.

39 (9) Measures that could facilitate easier access to state and
 40 local government services by Native Americans.

41 Sec. 10. The commission may not study or make
 42 recommendations on the following issues:

43 (1) Negotiations between a tribe and the state or federal
 44 government concerning tribal sovereignty.

45 (2) Gaming on tribal land.

46 SECTION 2. IC 14-21-1-25.5 IS ADDED TO THE INDIANA



CODE AS A NEW SECTION TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2004]: Sec. 25.5. (a) If a Native American
 burial ground is discovered, the department shall immediately
 provide notice to the Native American affairs commission
 established under IC 4-4-32.

(b) If Native American human remains are removed from a
 burial ground, the department shall provide the following to the
 Native American affairs commission:

(1) Any written findings or reports that result from the
 analysis and study of the human remains.

(2) Written notice to the Native American affairs commission
 that the analysis and study of the human remains are
 complete.

(c) After receiving written notice under subsection (b)(2), the
 Native American affairs commission shall make recommendations
 to the department regarding the final disposition of the Native
 American human remains.

SECTION 3. [EFFECTIVE JUNE 1, 2004] (a) As used in this
 SECTION, "commission" refers to the Native American affairs
 commission established by IC 4-4-32-4, as added by this act.

(b) The governor shall make the initial appointments to the
 commission not later than July 1, 2004. In making an initial
 appointment, the governor shall:

(1) appoint, if available to serve, individuals who were
 appointed to the Native American affairs commission under
 Executive Order 03-22; and

(2) indicate the length of the term for which the individual is
 appointed.

(c) Notwithstanding IC 4-4-32-5(c), as added by this act, the
 initial terms of office for the nine (9) individuals appointed to the
 commission by the governor are as follows:

(1) Two (2) members appointed under IC 4-4-32-5(a)(1), as
 added by this act, for a term of one (1) year.

(2) Two (2) members appointed under IC 4-4-32-5(a)(1), as
 added by this act, and one (1) member appointed under
 IC 4-4-32-5(a)(2), as added by this act, for a term of two (2)
 years.

(3) Two (2) members appointed under IC 4-4-32-5(a)(1), as
 added by this act, for a term of three (3) years.

(4) One (1) member appointed under IC 4-4-32-5(a)(1), as
 added by this act, and one (1) member appointed under
 IC 4-4-32-5(a)(2), as added by this act, for a term of four (4)
 years.

(d) The initial terms begin July 1, 2004.

(e) This SECTION expires July 1, 2008.

SECTION 4. An emergency is declared for this act.

